

PATENT  
Docket No. 180.00020102  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Smith et al. ) Group Art Unit: 1653  
Serial No.: 09/813,345 )  
Filed: March 20, 2001 ) Examiner: S. Liu  
For: PEPTIDE ANTAGONISTS OF CGRP-RECEPTOR SUPERFAMILY AND METHODS OF USE

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Attn: Examiner S. Liu Total Pages (including cover page): 3  
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Mueting, Raasch & Gebhardt, P.A.  
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Date: June 19, 2002 By: Ann M. Mueting  
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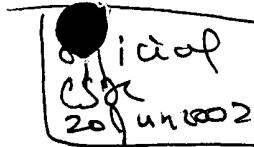
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6-19-02  
Date

Signature: Jill R. Price

Name: Jill R. Price

If you do not receive all pages, please contact us at (612)305-1220 (ph) or (612)305-1228 (fax).



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Examiner: S. Liu )

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**RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed May 20, 2002, Applicants elect, with traverse, Group I (claims 21-26 and 29-47), drawn to a method for inhibiting CGRP binding to one or more CGRP receptors. Applicants reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicants respectfully request reconsideration and withdrawal or modification of the restriction requirement. It is respectfully submitted that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others. Specifically, all the claims involve the interaction of the peptide R<sup>1</sup>-X-Z with a CGRP receptor.

Were restriction to be effected between the claims of Groups II-III, a separate examination of the claims in these three groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I-III would have to be as rigorous as when only the claims of Group I, for example, were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I-III, it would place an undue burden by requiring payment of two separate filing fees for examination of the nonelected claims, as well as the added costs associated with prosecuting three applications and maintaining three patents.

## Response to Restriction Requirement

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For: PEPTIDE ANTAGONISTS OF CGRP-RECEPTOR SUPERFAMILY AND METHODS OF USE

In response to the election of species requirement, Applicants make the following species election:

for the structure recited in claim 1,

R<sup>1</sup>=phenyl group (unsubstituted);

X=carbonyl group; and

Z=human sequence CGRP.

This election is made with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims.

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number if prosecution of this application may be assisted thereby.

Respectfully submitted for  
Smith et al.

By

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June 19, 2002  
Date

AMM/jrp

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## CERTIFICATE UNDER 37 C.F.R. 1.8:

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Jill R. Price  
Jill R. Price